

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
BRYAN VELAZQUEZ, <i>on behalf of himself and all</i>	:	
<i>others similarly situated,</i>	:	
	:	22-CV-6059 (JMF)
Plaintiff,	:	
	:	<u>ORDER</u>
-v-	:	
	:	
MUJI U.S.A. LIMITED,	:	
	:	
Defendant.	:	
	X	

JESSE M. FURMAN, United States District Judge:

Although the Court's Order of July 18, 2022, *see* ECF No. 5, stated that the case would be referred to Magistrate Judge Lehrburger for both general pretrial purposes and dispositive motions, the referral order, *see* ECF No. 6, does not actually include dispositive motions. Accordingly, and for avoidance of doubt, the undersigned will handle the motion to dismiss filed by Defendant on December 7, 2022.

Under Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. In light of the upcoming holidays, however, the Court will extend that time.


Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **January 5, 2023**. Pursuant to Paragraph 1.B. of the Court's Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>, any amended complaint should be filed with a redline showing all differences between the original and revised filing. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **January 5, 2023**. Defendant's reply, if any, shall be filed by **January 12, 2023**.

SO ORDERED.

Dated: December 8, 2022
New York, New York



JESSE M. FURMAN
United States District Judge